

FILED
JAMES BONINI
CLERK

IN THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

05 SEP 27 AM 11:58

NORMAN McCRARY,
Petitioner,

-v-

UNITED STATES OF AMERICA,
Respondent.

) Case No: 1:91-CR-132-3
) CINCINNATI
) Civil No: 1-95-401
)
) Judge: S. Beckwith
)
) MOTION TO REOPEN THE JUDGEMENT
) PURSUANT TO FED.R.CIV.P. 60(b)
)

**NOTICE OF APPEAL OF JUDGEMENT ENTERED ON AUGUST 19, 2005/AND
MOTION TO PROCEED WITHOUT COST ON APPEAL**

Now Comes the petitioner, Norman McCrary, pro-se, to move this Honorable Court to set his timely notice of appeal of the judgement entered on August 19, 2005. The Petitioner also request that he be permitted to proceed without cost on this appeal, and this is based on the fact the Petitioner is unable to pay court cost -- and the fact his claim does raise a colorable issue of law. See -- Abdur' Rahman vs. Bell, 392 F.3d 174 (6th Cir. 2004); Alley vs. Bell, 392 F.3d 822 (6th Cir. 2004); and Alley vs. Bell, 405 F.3d 371 (6th Cir. 2005).

Therefore, based on the facts of this case and the judgement entered on August 19, 2005, it is respectfully requested the relief sought.

Respectfully Submitted,

Norman McCrary
Norman McCrary

CERTIFICATE OF SERVICE

I certify that a copy of this motion was sent to William E. Hunt, Asst. U.S. Attorney at 221 East 4th Street, Suite 400, Cincinnati, Ohio. 45202, by U.S. Mail, postage prepaid, on this 21 day of Sept, 2005.

Norman McCrary
Norman McCrary 02070-061
U.S.P. Big Sandy
P.O. Box 2068
Inez, KY. 41224